

Appl. No. : 10/765,573
Filed : January 27, 2004

REMARKS

Applicant respectfully requests reconsideration of the above-identified application in view of the amendments set forth above and the comments set forth below.

Amendments to the Specification

The specification has been amended above to correct typographical errors identified during a review of the application. No new matter is added by these amendments and entry of the amendments is respectfully requested.

Indication of Allowable Subject Matter

Applicant acknowledges with appreciation the indication that Claims 32 and 33 contain allowable subject matter.

Claims 13 Is Not Anticipated by Ozawa

Claims 13 and 14 have been rejected as anticipated by Ozawa (U.S. Patent No. 6,022,252). While Applicant does not necessarily agree with the basis for the rejection, Claim 13 has been amended to advance prosecution and Claim 14 has been cancelled in view of the amendments to Claim 13. Applicant respectfully requests reconsideration in view of the amendments set forth above and the comments set forth below.

Claim 13, as amended, recites, among other limitations, an intake passage that opens within a plenum chamber, a blow-by gas ventilation system that comprises a ventilation system inlet communicating with the crankcase, and a ventilation system outlet that is connected to the induction inlet duct upstream of the throttle valve at a location inside of the plenum chamber. Ozawa failed to disclose such a construction.

Ozawa disclosed a breather that extended into the air box and terminated within the air box but that did not connect to the induction inlet duct. Thus, Ozawa did not anticipate Claim 13. Reconsideration and withdrawal of the rejection are respectfully requested.

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Claims 15 and 19 Are Patentable Over the Applied Combination

Claims 15 and 19 have been rejected as unpatentable over Ozawa in view of Enright (U.S. Patent No. 5,499,616). Applicant respectfully requests reconsideration.

Claim 15 and Claim 19 both ultimately depend from Claim 13. Enright, however, does not teach or suggest the limitations of Claim 13 that are not taught by Ozawa. Thus, the combination of the two references cannot render Claim 13 unpatentable and Claims 15 and 19 cannot be rendered unpatentable by the combination of Ozawa and Enright. Reconsideration and withdrawal of the rejections of Claims 15 and 19 are respectfully requested.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Double Patenting Rejection

Claims 13-20 and 24-31 have been rejected on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over Claims 13-19 of U.S. Patent No. 6,681,750 in view of Ozawa. While Applicant does not necessarily agree with the rejection, Applicant is providing a Terminal Disclaimer to remove any basis for the double patenting rejection. Reconsideration is respectfully requested.

New Claims Have Been Added

In view of the amendments made to Claim 13 and in view of the status of several of the dependent claims once the double patenting rejection has been overcome, new Claims 34-38 have been added to maintain Claims 16-18, 20 and 32 in their states prior to the amendments to Claim 13. Thus, Claim 34 is Claim 16 rewritten into independent form without the amendments made to Claim 13 in this paper. For clarity, Claim 35 is rewritten Claim 17, Claim 36 is rewritten Claim 18, Claim 37 is rewritten Claim 20 and Claim 38 is rewritten Claim 32. Allowance of these claims is respectfully requested.

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CONCLUSION

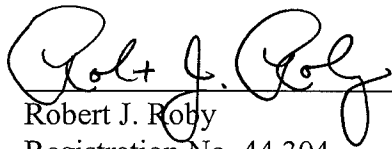
For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, issuance of a Notice of Allowance is most earnestly solicited.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney in order to resolve such issue promptly.

Respectfully submitted,

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Dated: 1-8-2007

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